Introduction

You are about to begin the first module of the training course for paraeducators who are working in educational settings in North Dakota schools. The primary emphasis in this module, *Student Support Concepts,* is an overview of the process to follow when determining that a student has a disability and will qualify for services under the Individuals with Disabilities Education Act (IDEA).

Module 1 is organized into four sections:

Section One - History of Services and Applicable Laws

Section Two - Special Education Process Under IDEA

Section Three - Paraeducator Involvement and Supports

Section Four - Procedural Safeguards and Resolving Differences

Each section will be followed by a series of short self-assessment questions designed to reinforce content. Paraeducators are encouraged to complete the self-assessment questions for their own benefit.

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SECTION ONE

History of Services to Persons with Disabilities

With few exceptions, throughout written history, persons with disabilities have been shunted to one side by society and placed in segregated facilities. It was thought that persons with disabilities, especially those with developmental disabilities, could not learn and, indeed, could not experience emotions, fear or pain. It seemed most appropriate to place them in large, segregated institutions where they received minimal food and clothing, and little or no education, or other instructions.

In the 1960's, attitudes began to change, and by the 1970's, plans were being conceived and implemented to create educational systems into which students with disabilities could be integrated. Although these individuals were moving into the schools, they often did not become a part of the school. They received all of their services in environments and classrooms that were set apart from their chronological-age peers. In 1975, Public Law 94-142, or the Education of All Handicapped Act, was passed. This law required school districts to guarantee a free, appropriate public education for students with disabilities ages 3 through 21. It called for educating these students in the "least restrictive environment," meaning locations close to general education classrooms so students had the opportunity to interact with students who did not have disabilities. The Education for All Handicapped Act guaranteed an individual education program (IEP) for all students with disabilities. Even though the law mandated that "all children" should be served in public school settings, they still often remained in segregated classrooms and buildings. In many cases, even lunchtime and recess with other children was denied to those with disabilities. This occurred in spite of the fact that the law called for education in the "least restrictive environment".

Person first language is "students with disabilities".

The Individuals with Disabilities Education Act, (IDEA), Public Law (P.L.) 101-476 was passed in 1990. IDEA revised and updated P.L. 94-142. Some important aspects of this law were: IDEA emphasized that students with disabilities had the right to receive educational services in integrated educational environments, including general education classrooms. IDEA changed the language we use, such as the term "handicap" to "disabilities." Instead of referring to "handicapped students," the law encouraged educators to think of the person first and now referred to them as "students with disabilities." IDEA emphasized that educational planning and services needed to be arranged for secondary students in "transition" from school to adulthood.

IDEA '97 Emphasis is on high academic standards and clear performance goals.

On June 4, 1997, the Individuals with Disabilities Education Act (IDEA) was amended through Public Law (P.L.) 105-17. The guiding premise of the 1997 amendments built on the actions, experiences, information, facts and research gathered since enactment of Education of the Handicapped Act in 1975. IDEA 97 emphasizes that an effective education system, now and in the future, must maintain high academic standards and clear performance goals for children with disabilities. These standards and performance goals must be consistent with those required for all students in the educational system. They provide for appropriate and effective strategies and methods to ensure that students with disabilities have maximum opportunities to achieve those standards and goals. The IDEA 97 provisions relating to evaluation and individualized education programs place greater emphasis on the involvement and progress of all children with disabilities in the general education curriculum. (*Guidelines: Evaluation Process, 1999).* IDEA 97 seeks to improve student performance and ensure quality education by requiring and supporting a communicative partnership of all parties involved in the student's education. The new legislation strengthens the roles of parents, students, and educational service providers to work as a team under the umbrella of the Office of Special Education Programs (OSEP), United States Department of Education. (*Parent Guide to Special Education*, 1999)

Applicable Laws

There are several different federal and state laws which outline the requirements for the provision of services to students who are at-risk for encountering school failure. The most commonly referenced laws and statutes are described below.

Part B of The Individuals with Disabilities Education Act (IDEA) Amendments of 1997

Part B of the Individuals with Disabilities Education Act (IDEA) Amendments of 1997 (P.L. 105-17), referred to as IDEA, is a federal law that guarantees all students with disabilities, ages three through 21, the right to a free appropriate public education (FAPE) designed to meet their individual needs. It also offers protection for the rights of students with disabilities, their parents, guardians, and/or educational surrogate parents.

In North Dakota, students between the ages of three through 21 with disabilities may receive special education services when they meet the eligibility criteria for one or more of the following disabilities:

- Autism
- Deaf-blindness
- Deafness
- Emotional disturbance
- Hearing impairment
- Intellectual disability
- Orthopedic impairment
- Other health impairment
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment including blindness

For each student with a disability, the school district must provide a free appropriate public education, individualized evaluations, utilize procedural safeguards, assure an appropriate education through the design of an individualized education program (IEP), provide related services as determined in the IEP, and assure that the student is educated in the least restrictive learning environment appropriate for that student.

Public Law 93-380 The Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA) or Buckley Amendment gives parents of students under age 18, and eligible students age 18 and over, the right to examine records kept in the student's educational file. Custodial and noncustodial parents have full rights under the law unless the agency or institution has evidence through court order, statute, or legal document specifically revoking those rights. Listed below are the major provisions of the act.

- Parents and eligible students have the right to review educational records within 45 days from date of request. In North Dakota, the school must allow this within five days.
- Parents and eligible students have the right to have the records explained and interpreted by school officials.
- School officials may not destroy any records if there is an outstanding request to inspect and review them.
- The school must provide copies of records to parents and eligible students.
- Parents and eligible students may request that records be amended if it is believed that information contained in educational records is inaccurate, misleading, or a violation of any rights of the student. School officials may not destroy any records if there is an outstanding request to inspect and review them.

If the school decides that the records should not be changed, the parents or eligible student must be advised of his or her right to a hearing. The hearing is to be held within a reasonable period of time, with the parent or eligible student given advance notice of the date, place, and time, and be conducted by a party who does not have a direct interest in the outcome of the hearing. At the hearing, the parent or eligible student has the right to present evidence and be represented by individuals of his or her choice. The decision of the hearing officer is to be in writing, and the decision must be based on the evidence presented at the hearing.

- A school may release certain kinds of educational records to education agencies without permission from the educational surrogate parent or eligible student. Persons or organizations to whom information can be sent are:
  - school officials in the same district with a legitimate educational interest;
  - school officials in the school district to which a student intends to transfer;
  - student financial aid officials;
  - research organizations that are helping the school, provided they guarantee confidentiality; and
  - Court orders.
- A record containing information requests for records must be maintained with the student's files.
- Each school district or institution must give parents of students in attendance, or students age 18 and over, an annual notice to inform them of:
  - school or institutional policy and procedures in providing the rights and protection of P.L. 93-380 (FERPA);
  - the right of parents and students age 18 and over to file a complaint if the school or institution fails to comply with the requirement of the law; and
  - the school's responsibility for communicating in the primary language of the parents and/or student.

Section 504 of the Rehabilitation Act of 1973

Section 504 was the first federal *civil rights law* that protects the rights of people with disabilities. It states that "no…qualified individual with a disability…shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Section 504 applies to all recipients of federal funds, including public schools, institutions, and universities. Discrimination is prohibited in the education of students with disabilities, vocational education programs, college programs and other postsecondary education programs, employment, health, welfare, and other social service programs, and programs and activities that receive federal funds.

Section 504 - Protection from discrimination.

To qualify for Section 504 services, a student must have a mental or physical impairment that substantially limits one or more major life activities. Life activities include breathing, seeing, hearing, learning, performing manual tasks, caring for one's self, speaking, working, and walking. Although all students who are eligible under IDEA qualify for Section 504, there are many more students with disabilities who do not qualify for special education under (IDEA), who qualify under Section 504. Meeting the needs of disabled students who qualify under Section 504, but who do not qualify for special education, becomes the responsibility of the general education program in the schools. The education must be free and designed to meet the individual needs of the student. The students with disabilities must also have equal opportunity to participate in:

- nonacademic services
- extracurricular activities
- recreational programs
- athletics
- special interest groups or clubs sponsored by the school
- health services
- transportation
- referrals to service providers
- referrals for employment purposes
- counseling services

Section 504 requires schools to make accommodations and modifications in academic requirements, as necessary, to ensure full educational opportunities for students with disabilities. Such modifications might include extension of time for completing course work, adaptations for the manner in which specific courses are conducted, different methods for evaluating progress, allowing the use of tape recorders in class, taped text books, interpreters, library readers, and special equipment.

The regulations state that programs must be accessible to persons with disabilities. They do not require that every building or part of a building be accessible, but the program as a whole must be accessible. Structural changes to make the program accessible must be made only if alternatives, such as reassignments of classes are not possible.

The North Dakota Department of Public Instruction has published a guide, (*Section 504/ADA Guidelines for Educators* October, 1999) about the school's responsibilities under Section 504 with guidelines for the suggested design of Section 504 plans. Please visit with your superintendent, principal, or special education personnel if you have questions or would like to review the materials published by the Department of Public Instruction.

Americans with Disabilities Act of 1990

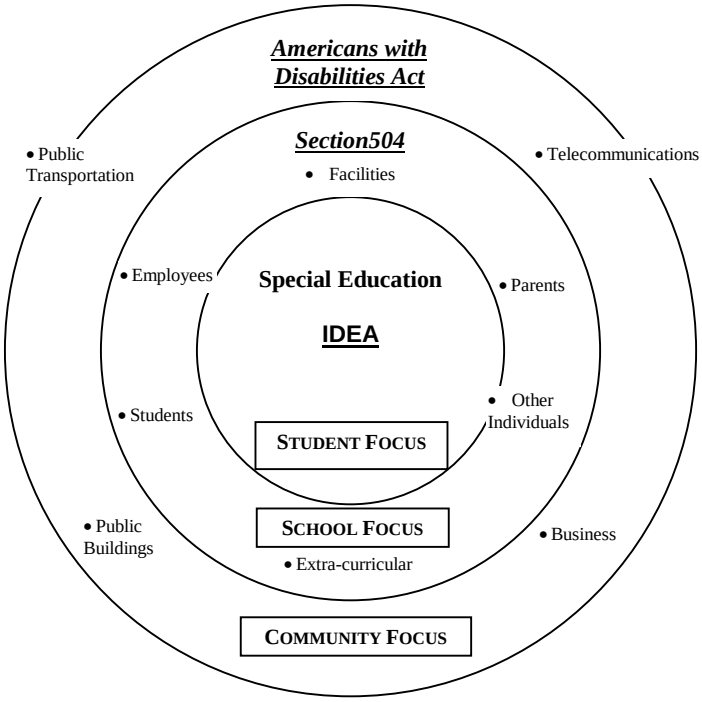
The Americans with Disabilities Act (ADA) gives civil rights protection to individuals with disabilities in private sector employment, all public services, public accommodations, transportation, and telecommunication. Since parents and special educators are responsible for students with disabilities who will be seeking employment and independent lifestyles, it is important that they be able to apprise individuals with disabilities of their right and protection under the ADA. Some provisions under ADA include:

ADA - Civil Rights Protection.

- Employers with 15 or more employees may not refuse to hire or promote a person with a disability because of the person's disability when that person is qualified to perform the job.
- ADA requires that new vehicles bought by public transit authorities be accessible to people with disabilities.
- Under ADA, it is illegal for public accommodations to exclude or refuse persons with disabilities. Public accommodations are the businesses and services that are used everyday by all people such as hotels, restaurants, dry cleaners, grocery stores, schools, and parks.

- Companies offering telephone service to the general public must offer telephone relay services to deaf individuals who use telecommunications devices or similar devices 24 hours a day, seven days a week, at regular rates.
- State or local governments may not discriminate against qualified individuals with disabilities. Since this includes public schools, public school personnel with disabilities have protection against discrimination.

This illustration shows the relationship between Section 504, Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Education Act (ADA).



(Please cover the answers.)

Section One:
History of Services and Applicable Laws

Self-Assessment Questions

P.L. 94-142

1. The law passed in 1975 that required school districts to guarantee a free appropriate public education for students with disabilities ages 3 through 21 was _____.

disability

2. IDEA changed the language from the term "handicap" to _____ considering the person first and the disability second.

Family Educational Rights and Privacy Act

3. The law, _____ gives parents of students under age 18 and eligible students age 18 and over, the right to examine records in the student's educational file.

Civil Rights Law

4. Section 504 was the first _____ to protect the rights of persons with disabilities.

major life activities

5. To qualify for Section 504 services, a student must have a mental or physical disability that substantially limits one or more _____.

Americans with Disabilities Education Act

6. The _____ gives civil rights protection to individuals with disabilities in private sector employment, all public services, public accommodations, transportation and telecommunications.

List the primary focus of each of the Laws:

student IDEA _____ focus

school Section 504 _____ focus

community ADA _____ focus

SECTION TWO

Special Education Process Under IDEA

This section describes the procedures applicable to students with disabilities who qualify under IDEA, or those who are at-risk to develop a disability.

Referral

- If a child is suspected of having a disability and might need special education services, a referral may be made. Children may be referred for special education services in a variety of ways.

- Parents who are concerned about their child's development may request that school personnel conduct a selective screening evaluation of their child's development or academic achievement. This evaluation provides the parents and teachers with basic information about how the student compares to other students of the same chronological age.

- Teachers who are concerned about the child's performance may refer a child through the **Building Level Support Team** process.

BLST is a general education responsibility.

A building level support team (BLST) may be available in your school. Visit with the principal about the contact person and the procedures for accessing the team. The team is designed to provide support to the teacher for students encountering difficulty. The teacher shares the student concerns with the team, and the team then engages in problem solving strategies to assist the teacher in identifying methods, materials, procedures, and strategies to assist in making the general education instruction appropriate for all students. Usually when school professionals work together with parents to identify strategies, the problems encountered by the students can be resolved. All possible interventions and resources within general education should be attempted before a referral is made for a special education evaluation. Sources which are available to the Building Level Support Team to assist them in generating strategies consist of:

BLST - Teams Consultations Observations

- teachers working together in teams;
- consultation with the school counselor;
- consultation with the school nurse;
- consultation with special education personnel;
- vision and hearing exams;
- classroom observations by the principal and other teachers; and
- parent input.

Interventions vary according to each individual student. If the problem persists after attempts to implement general education interventions, a referral to special education should be initiated. Examples of student needs that would warrant referrals to the Building Level Support Team are listed below.

- Student does not follow directions;
- Student is always late, not organized, can not find the correct materials;
- Student is having difficulty in one class such as math;
- Student has unusual, inappropriate behaviors during some activities, but not all;
- Student falls asleep during class;
- Student is overly shy, withdrawn;
- Student cries easily; or
- Student has significant mood swings.

(*Building Level Support Teams*, January 2000)

People who might make referrals.

- Children previously identified as having disabilities, who transfer in to the schools from other schools or from the Regional Infant Development Programs, may be referred for an evaluation if there are concerns about the student's existing program.
- Public Health nurses and other community service personnel such as medical doctors and social workers may refer students who they have identified as being at-risk for school failure.
- Students who are at-risk for dropping out of school or for failing school subjects must be referred by the principal of the schools. This is necessary to ensure that the cause of difficulty or the reason for dropping out is not due to an unknown disability.

- Students who have difficulty following school rules may be referred to determine the student's ability to understand the social rules operative in a school environment.

Evaluation Planning Process

Evaluation is the process used to determine whether a student has a disability and the specific learning needs of the student. This process is individualized for each student and uses a multidisciplinary team to carry out the evaluation. Each student with a disability must receive a complete, nondiscriminatory educational evaluation prior to receiving special education services. Once a referral for evaluation is made, the multidisciplinary team (MDT) is identified and meets to discuss the student's assessment needs. An individualized assessment plan is designed by the MDT. A multidisciplinary team rather than an individual evaluator is used to ensure that observations and other sources of data are gathered from a variety of settings in which the student demonstrates strengths and needs. The MDT are active participants in the complete evaluation process. The following individuals may be considered as members of the multidisciplinary team:

Evaluation process includes:
Student demographics
Student profile
Assessment plan
Written report

- parent
- special education teacher(s)
- classroom teacher(s)
- school psychologist
- student
- paraeducator(s)
- specialist with knowledge in the area(s) of suspected disability
- school administrator
- school social worker
- related service providers
- others considered appropriate by the team

The evaluation planning process includes several steps that are described below.

- **Completion of student demographics-**
  This section consists of identifying information about the student and the student's educational background.

- **Development of student profile-**
  The purpose for this step is to provide a comprehensive picture of information already gathered which might indicate patterns of current student functioning and to indicate areas where further information is needed.

- **Formulation of an assessment plan-**
  The two major purposes for evaluating a student are to determine whether a disability exists and to provide a basis for appropriate programming. The team must obtain relevant student data for making these decisions. The development of an assessment plan will focus on the kind of data already available and the information that needs to be gathered. During the development of the assessment plan the team will formulate questions regarding student performance. Questions should relate to the suspected disability, the student's method of learning, and the learning environment. It is also important to focus questions on the areas of health, social-cultural, sensory, and/or emotional development to assure nonbiased assessment results. After the list of questions has been formulated, the team will determine how this information will be gathered and who will gather the information.

Throughout the evaluation planning process, it is important to identify all factors that may mask ability and cause the student to appear to have a disability. The team must address factors that may interfere with obtaining a true picture of the student's functioning. Factors that may interfere with the assessment process could be cultural, environmental, sensory, and/or economic.

- **Preparation of an integrated written assessment report-**
  The multidisciplinary team will write a report that integrates findings from all sources. The integration of all assessment data ensures that attention has been given to all information shared by team members. In addition, it protects the student from being labeled inappropriately, which might occur if a decision was made by one person or on the basis of one procedure or situation.

At the conclusion of the meeting to review assessment results, the team will determine whether the unique educational needs of the student are due to a disability as defined by IDEA or Section 504 of the Rehabilitation Act of 1973. If the student is eligible under IDEA, the report must include a statement as to whether the student has a disability and what that disability is as defined in IDEA.

When the student is eligible for special education services, the next step will be the development of an Individualized Education Program (IEP). The IEP will determine whether the student requires special education and related services. If the individuals on the multidisciplinary team involved in the evaluation process and the IEP process are the same, the IEP meeting may occur immediately after eligibility has been determined. If it does not occur, team members should be notified of the time when the IEP will be developed. (*Guidelines: Evaluation Process*, 1999)

Individualized Education Program (IEP)

The individualized education program (IEP) outlines the services that the student will receive. The IEP must address the unique needs of the student and include both the extent to which the student will participate in general education, and the special education and related services that the student will receive.

- ☞ The IEP is a written document of resources necessary to enable a student to receive needed special education and related services.
- ☞ The IEP is a management tool that is used to ensure that each student is provided special education and related services appropriate to address identified learning needs.
- ☞ The IEP outlines the extent to which the student with a disability will participate in general education. Students with disabilities are to be educated to the maximum extent appropriate with children who do not have disabilities and in the student’s home school and community.

The IEP ensures the delivery of special education and related services.

- The IEP guarantees that the student will not be removed from the general education environment unless the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved.

- The IEP is based on consideration of the least restrictive learning environment selected from a continuum of supplementary services and alternative placements that must be available to meet the needs of the student.

- The IEP addresses the student's participation with nondisabled students in nonacademic and extracurricular activities.

- The IEP is a compliance document that may be used by authorized monitoring personnel from each governmental level to determine whether a student is actually receiving the free appropriate public education agreed to by the IEP team.

- The IEP meeting serves as a communication vehicle between the parent and school personnel, and enables them to jointly decide upon the student's needs, the services that will be provided to meet those needs, and determination of anticipated special education outcomes. The IEP serves as an evaluation device to determine the extent to which the student progresses in meeting the IEP objectives.

Components of the IEP

- ***Present Levels of Educational Performance*** **(PLEP)**
  The PLEP consists of a summary of the student's unique pattern of functioning in all core developmental, social and academic areas. It gives a description of the student's strengths and needs. The PLEP lays the foundation for all other components of the IEP.

Components of IEP –

PLEP
Goals
STO
Characteristics of Services
Periodic Review
Adaptations
Special Education
Related Services & Transition
LRE
Activities with non-disabled

- ***Annual Goals***
  A goal is a statement of an observable outcome that can be achieved within one calendar year. The goal must relate to the present level of educational performance and reflect some aspect of the educational outcomes expected from the student's general education or special education program. The goals specify the behavior or outcome desired, the desired ending level, and the intent or purpose of the outcome.

- ***Short-term Objectives (STO)***
  The objectives are subtasks of the goal. They consist of an analysis of the steps, subskills, or criterion levels that will result in the achievement of the goal. The objectives consist of the specific behavior, the criterion, and the conditions under which the behavior will be observed. The objectives form the basis for determining the progress the student is making toward the major outcome or goal.

- ***Characteristics of Service***
  The characteristics of service section addresses the team's decision about where the objectives will be implemented. The determination is made after deliberating over alternative strategies including providing the services in the general education classroom with various levels of adaptations, supports, and services in the classroom. This section also specifies who will implement the specialized instruction, the schedule and procedure for evaluating progress, and how the objectives relate to the student's general education program.

- ***Periodic Review of Services***
  Goals and objectives must be reviewed at least annually, and more frequently as appropriate. The review schedule must be specified in the objectives.

- ***Adaptations of Educational Services***
  The adaptations and modifications that permit successful accommodation of the student into the general education classroom must be listed. The adaptations address alternative strategies, materials, and techniques that will be utilized to ensure that the student benefits from the educational experiences offered to all students.

- ***Special Education, Related Services, and Transition Services***
  This section consists of a listing of all special education services that will be provided to the student to assure that the student will benefit from the educational experience. This section articulates what will be provided, how much time the service will entail, when it will be provided, who will provide the service, and where the service will be provided.

- ***Least Restrictive Environment (LRE)***
  This section documents the team's decision regarding the sites and settings in which the student will receive instruction. It consists of a synthesis of the decisions made while discussing the characteristics of services for each objective. It must provide the rationale or justification for the removal of the student from general education in those cases where such removal is necessary to assure the student an appropriate educational experience.

- ***Description of Activities with Students Who are not Disabled***
  The student must be encouraged to interact with peers who are not disabled throughout the school day. The team's discussions about interactions with peers in physical education, nonacademic activities and extracurricular activities must be documented.

Least Restrictive Environment

The decision regarding delivery of services in the least restrictive environment is made after the student's needs are determined and the IEP is being developed. The principle of the least restrictive environment (LRE), means that each student with disabilities is to receive an appropriate education with general education students to the maximum extent possible, based upon the student's unique needs. The team must consider the following regulations when determining the least restrictive environment.

- The student with a disability must be given the opportunity to be educated in the general education classroom environment in the public school which the child would otherwise attend if he or she did not have a disability, **unless** the nature or severity of the disability is such that appropriate educational goals and objectives for that student cannot or could not be achieved in a general education classroom based program, even with the use of supplemental aids and services.

- If placement is to be made outside of the general education environment, it must be made in an alternative instructional setting or arrangement selected from a continuum of settings (from least restrictive to most restrictive) that meets the unique needs of the student. The selection of a particular alternative setting or arrangement is to be made by determining the least restrictive setting or arrangement in which the appropriate educational goals for the student could be achieved.

- Regardless of the setting selected, a student with a disability must be educated with, and allowed to interact with, other students who are not disabled to the maximum extent appropriate to the needs of the student with a disability. This includes both academic and nonacademic settings.

- The LRE decisions about settings or arrangements must be made at least annually by a group of persons, including the parents and other persons knowledgeable about the child and the meaning of the evaluation data and the placement options, who carefully consider broad-based, documented information about the child.

- Consideration must be given to any potential harmful effect on the child or on the quality of services that he or she needs. Examples of harmful effect include:

  - ☞ Activities in the general education classroom that will not be available to the student who attends a resource room,

  - ☞ the incidental learning that occurs in the general education setting,

- ☞ the stigma associated with being removed from the general education setting, and
- ☞ the instructional time lost during transition periods. (*Individualized Education Program Planning Process*, 1999)

Related Services

Listing and description of related services included in IDEA

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. Related services include speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

The terms used in this definition are defined as follows:

Audiology includes identification of children with hearing loss; determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing; provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation; creation and administration of programs for prevention of hearing loss; counseling and guidance of children, parents, and teachers regarding hearing loss; and determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

Early identification and assessment of disabilities in children means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

Medical services means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

Occupational therapy means services provided by a qualified occupational therapist; and includes improving, developing or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.

Orientation and mobility services means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and includes teaching students the following, as appropriate: spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street); to use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision; to understand and use remaining vision and distance low vision aids; and other concepts, techniques, and tools.

Parent counseling and training means assisting parents in understanding the special needs of their child; providing parents with information about child development; and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP).

Physical therapy means services provided by a qualified physical therapist.

Psychological services includes administering psychological and educational tests, and other assessment procedures; interpreting assessment results; obtaining, integrating, and interpreting information about child behavior and conditions relating to learning; consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations; planning and managing a program of psychological services, including psychological counseling for children and parents; and assisting in developing positive behavioral intervention strategies.

Recreation includes assessment of leisure function; therapeutic recreation services; recreation programs in schools and community agencies; and leisure education.

Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

School health services means services provided by a qualified school nurse or other qualified person.

Social work services in schools includes preparing a social or developmental history on a child with a disability; group and individual counseling with the child and family; working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and assisting in developing positive behavioral intervention strategies.

Speech-language pathology services includes identification of children with speech or language impairments; diagnosis and appraisal of specific speech or language impairments; referral for medical or other professional attention necessary for the habilitation of speech or language impairments; provision of speech and language services for the habilitation or prevention of communicative impairments; and counseling and guidance of parents, children, and teachers regarding speech and language impairments.

Transportation includes travel to and from school and between schools; travel in and around school buildings; and specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

(Please cover the answers.)

Section Two:
Special Education Process Under IDEA Self-Assessment Questions

Self-Assessment Questions

disability

1. If a child is a suspected of having a _____ and might need special education services, a referral may be made.

parents
teacher
social workers
principals

2. List four persons who can make a referral for a special education evaluation:

Building Level Support Team

3. The _____ is a team designed to provide support to the teacher for students encountering difficulties in school.

disability
learning needs

4. Evaluation is the process used to determine whether a student has a _____ and the specific _____ of the student.

Individualized Education Program

5. The _____ outlines the special education services a student will receive.

PLEP
Annual Goals
Periodic Reviews
LRE

6. Name and describe four components of the IEP.

after

7. The decision regarding delivery of services in the least restrictive environment is made _____the student's needs are determined in the IEP.

SECTION THREE

Rationale for Paraeducator Involvement in the IEP Process

The role of the paraeducator is extremely important when planning an individualized education program for a student with a disability. The law requires that students with disabilities receive a comparable program to that of students who do not have disabilities. Paraeducators provide valuable insight and information regarding individual students.

Paraeducators are respected and valued members of educational teams.

- Your task will be to convey student specific information to the team that is relevant to the student's educational needs. Your observations of how the student is able to participate in the curriculum and normalized activities is essential.
- Your input will assist the team in determining the activities within the general education curriculum that would be appropriate for meeting the needs of the student.
- You will be able to offer assistance in determining the nature of the accommodations and the supports that will be necessary to ensure that the student is afforded every opportunity for equal access and participation in the general education curriculum.
- In those cases where alternative curricular outcomes are necessary to ensure an appropriate educational program for the student, your input is needed to assure that the necessary instruction is provided in a normalized manner.
- Your input will be essential for assisting the team in identifying other educational program options and extracurricular activities that would be appropriate to consider for the student.

(For more detailed information on the role of the paraeducator refer to Resource Manual: The Implementation of Effective Paraeducator Practice in Educational Settings, 2000, pp.13-22)

Consultation within the General Education Classroom

The value of paraeducators are recognized as important to the success of the school.

Many students with disabilities may be very appropriately served with all of their instruction provided within the general education classroom. A paraeducator may be asked to provide the service in the form of necessary modifications and adaptations as determined in the IEP and planned by the casemanager or special education teacher. The consultation that you receive from the casemanager is designed to answer your questions, make you feel comfortable with the process, and enrich your repertoire of instructional strategies that will benefit all of your students. You will need to build in planning time during which you can interact with the casemanager. When additional materials are needed, the casemanager will assist you in making them or securing them. You may want to ask the casemanager to visit the classroom as often as possible to observe the instruction. The input from the observations will ensure that you are meeting the expectations of the team and will provide suggestions on how your instructional style can be further enhanced, thereby benefiting all students.

Special Education Supports within the General Education Classroom

Many students with disabilities can benefit from instruction within the general education classroom when additional external supports are provided. Examples of several types of special education supports are listed below.

You may be asked to participate in **team-teaching** activities. This involves a special education teacher coming into the classroom to assist with the instruction. It is a sharing of responsibilities for the presentation of the information, assisting the students with application exercises and practices, and for monitoring progress. There are different formats which may be utilized including:

Co-teaching consists of having the two teachers take turns presenting the material in a lesson in a coordinated manner. The special education teacher may interject visual input, concrete examples, or additional auditory input to enhance the materials and instructions for the targeted students. Co-teaching may require more planning time but can be extremely effective.

Parallel instruction consists of having the special education teacher come into the classroom to provide direct instruction to one child or a small group of children while the teacher is instructing the other children in the same content area. There is less interaction between teachers in this format. Coordination of activities, time elements, and materials are required. Parallel instruction can involve **content similar** material, where a teacher is teaching the same skills but at different levels or with different materials, or **content dissimilar**, where a teacher is teaching a group in one academic area whereas the special education teacher is teaching another subject.

Itinerant Instruction

This service is provided to students who learn better in a quiet, nondistracting learning environment. Speech and language pathologists may find it necessary to remove a student from the classroom to work on articulation skills and other speech and language skills. This provides a more controlled environment where it is possible for the student to concentrate on the facial and verbal cues modeled by the speech and language pathologists. Other special education teachers find this approach necessary when new skills are being taught. It is used most commonly in those cases where direct, intensive, one-to-one instruction is necessary in a quiet or controlled learning environment. Physical Therapists and Occupational Therapists also utilize this approach for the very same reasons. The child is removed to a specialized learning environment for amounts of time determined by the team. The usual range in time is 15 to 20 minutes up to an hour per session. Sessions may vary from one time weekly to daily or even twice daily, depending upon the needs of the student. Usually the general education teacher is not involved in this aspect of the program initially. After the student has learned the skills, the specialist will introduce activities to be included in classroom activities that serve to assist the student in generalizing the skill. The consultation model addressed above will then be utilized.

Resource Room Instruction

The student may be scheduled to receive instruction in a resource room. This service is provided for students who require adapted coursework or skill training that is not included in the general education curriculum for other students of the same age. In those cases where it has been determined that the student cannot benefit from the existing course in one or more areas, with the modifications and supports available, the student is provided alternative coursework in areas of need. The resource room teacher provides the alternative coursework in a different classroom. Other students may be scheduled to attend the resource room, not necessarily for alternative coursework, but for assistance in learning alternative strategies, modifications for test-taking, study skills development, organizational strategies, etc. This type of instruction is considered supportive training to enable the student to benefit from instruction in the general education classroom.

(Please cover the answers.)

Section Three:
Paraeducator Involvement and Supports

Self-Assessment Questions

paraeducator

1. The role of the _____ is important when planning an individualized education program for a student with a disability.

Observations of student participation

Assistance in determining activities

Assistance in identifying options

2. List three ways that a paraeducator may be of assistance in planning an Individualized Education Program (IEP).

Team-teaching

3. _____ involves a special education teacher in the general education classroom to assist with the instruction of students.

Itinerant instruction

4. _____ _____ is a service model provided to students who learn better in a quiet, nondistracting learning environment.

generalize

5. In the itinerant instruction model, it is important for the specialist to introduce activities to be included in classroom activities so the student can _____ the skill.

resource

6. A _____ room is a setting where the student may have adapted coursework or specific skills training that cannot be provided in the general education classroom for other students of the same age.

supportive

7. Instruction in the resource room is considered _____ training to enable the student to benefit from instruction in the general education classroom.

SECTION FOUR

Procedural Safeguards

Procedural safeguards help ensure the fairness of educational decisions and the accountability of both the parents and the professionals. The IDEA includes the safeguards listed below:

- Parent Participation
- Notice
- Consent
- Records
- Evaluations Procedures
- Least Restrictive Environment
- Educational Surrogate Parents
- Conflict Resolution
- Due Process Hearing
- Discipline
- Private School Placement

For more specific information; refer to the booklet *Procedural Safeguards in Special Education for Children and Parents* (August 1999) published by the North Dakota Department of Public Instruction.

Resolving Differences

Several options are available to teachers, parents, administrators, and parents when conflicts or differences occur as the result of developing IEP's, evaluating students, and other professional activities involved in the education of students with disabilities. The options are range from informal strategies to legal proceedings. The informal strategies should be utilized whenever possible to circumvent expensive due process hearings and other court actions.

Discussion/ Consultation

It is always recommended that differences be resolved whenever possible through informal discussions with the person(s) involved. Most disagreements and misunderstandings can be worked out through positive and respectful dialogue. In many cases, the misunderstanding was caused by inaccurate communication of intended ideas, feelings, and requests. By discussing the misunderstanding with the other party, the differences can often be resolved. It may be appropriate to consult with other professionals and administrators about the misunderstanding. Several individuals may assist including the principal, superintendent, and special education personnel including the Director of Special Education. If outside resources are necessary, the Department of Public Instruction offers technical assistance, which is available to all teachers, special education personnel including paraeducators, school administrators, parents and students. You may access this resource by calling the special education director of your local unit.

Mediation

At times parents and school officials disagree about the student's special education services. Mediation is a process that assists in reaching an agreement. It is a positive method for resolving disputes in a nonadversarial manner. Mediation gives both parties equal opportunities to solve problems by developing an agreement that reflects the best educational interests of the student. The special education mediation process is provided at no cost to the parent and at no cost to the local school district.

Complaints

The Department of Public Instruction has a procedure to investigate and act on complaints made against the state education agency, special education unit, or school district relative to compliance with the procedures under Part B of IDEA. The intent of this process is to address matters of a public agency (state, unit, or district) violating a requirement of Part B of the IDEA. A complaint must include a statement that a particular requirement of Part B of IDEA has been violated and the facts on which the statement is based. A time limit of 60 calendar days after the complaint is filed is allowed to investigate and issue a written decision.

Due Process Hearing

A due process hearing is a formal legal proceeding. A parent may request a due process hearing at any time if there is disagreement with the identification, evaluation, educational placement or aspects relating to a child's free appropriate public education (FAPE). A school district may also request a due process hearing when a parent refuses consent for evaluation or placement, or to demonstrate that FAPE has been offered. A court may award reasonable attorney fees to the parents of a child with a disability if they prevail in the action. Under certain circumstances, attorney fees may be reduced or denied. (*Parent Guide to Special Education*, 1999)

(Please cover the answers.)

Section Four:
Procedural Safeguards and Resolving Differences

Self-Assessment Questions

Discussion/ Consultation Mediation Complaints Due Process

1. List four options for resolving conflicts and differences about special education services.

discussions

2. Most differences can be resolved through informal _____ with the persons involved.

Mediation

3. _____is a process that assists in reaching an agreement by giving both parties equal opportunities to solve problems.

nonadversarial

4. Mediation is a relatively positive method for resolving disputes in a _____manner.

complaint

5. The intent of the _____ process is to address matters of a public agency (state, unit, or district) violating a requirement of Part B of IDEA.

due process

6. A _____ _____ hearing is a formal legal proceeding.

due process free appropriate public education

7. A parent may request a _____ _____ hearing at any time there is a disagreement with the identification, evaluation, educational placement or aspects relating to a child's _____ _____ _____ _____.